



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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December 24, 1996

Robert L. Clark  
1758 South 900 East  
Salt Lake City, Utah 84105

Re: Incomplete Notice of Intention to Commence Small Mining Operations, Number 1 Clark Mine, S/015/074 (ML 43181), Emery County, Utah

Dear Mr. Clark:

Thank you for your Notice of Intention to Commence Small Mining Operations, received by the Division on December 4, 1996. The application for the proposed Number 1 Clark Mine located in the S/2 NW/4 of Section 2, T23S, R6E, SLBM, Emery County, Utah is considered **incomplete** and additional information is required. Please provide a response to the following comments:

- *Please provide a more detailed map/sketch of the existing disturbances at the site overlain by the disturbances proposed by this project.*
- *Will this project utilize the closed Cowboy Mine adits or create entirely new adits? .*
- *The underground workings will be eight feet high with two feet into the shale and six feet into "waste." What will happen to this waste material which will be approximately three times the ore volume? Please describe the physical and chemical characteristics of this waste material?*
- *A portion of the main access road may be included in a BLM Right-of-way (ROW). Your use of this road may require some type of inclusion in the ROW agreement. Has the BLM been contacted regarding the use of the access road.?*

This additional information is required for the Division to decide on the variances requested or the applicability of other variances at this previously impacted site.



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Use of the Cowboy Mine adits may require some type of compliance with the Title IV Coal Regulations because this site was previously a coal operation. I will be discussing the applicability of the Title IV regulations with our Coal Regulatory Group and inform you of any findings.

The adits at the Cowboy Mine were closed during October 1984 under an Abandoned Mine Reclamation (AMR) project. The work was performed by B & R Reclamation of Elmo, Utah. The old adits were closed by installing a block wall inside the adit and backfilling to the outside. A more detailed description of the project can be found under Division file AMR/015/902. Opening these adits up without proper ventilation and other precautions may be hazardous, due to carbon monoxide and methane gas buildup inside the workings. Using the old adits may also require some type of mitigation to minimize impacts to the coal resource due to oxidation or possible spontaneous combustion.

For your reference, I have enclosed copies of our summarized rules regarding "Operation and Reclamation Practices", and the statutory penalty for failure to reclaim a minesite (SMO-1). Please give special consideration to item #10 of the "Operation and Reclamation Practices. Stockpiling any available topsoil material prior to beginning your mining operation will help ensure successful revegetation efforts upon final reclamation of the minesite. The lack of topsoil and the abundance of coal refuse at this site would make revegetation difficult; however, even the first few inches of undeveloped material is worth saving to aid in later revegetation efforts, and future regulatory release from reclamation requirements.

If you wish to expand your operation beyond the five (5) acre limitation, please notify this office prior to exceeding the limitation to discuss the necessary permitting requirements. An expansion beyond five acres requires a Large Mine Notice which can often require six months or more for processing.

A Memorandum of Understanding between this Division and the State Department of Environmental Quality (DEQ) requires us to notify them upon receipt of a mining application. If you haven't already done so, you are advised to contact their office prior to starting your small mining operation to determine whether additional permits and/or approvals are required. We will forward a copy of this letter and your notice to the DEQ for their review. Their address and phone number is: Department of Environmental Quality, 288 North 1460 West, Salt Lake City, Utah, 84116, (801) 538-6146.

Approval of mineral exploration or mining operations by the Division of Oil, Gas and Mining does not constitute approval to commence operations upon lands under state mineral leases administered by the School and Institutional Trust Lands Administration (SITLA). We understand that you have applied for lease ML-43181 with SITLA. Before conducting mining operations on state leased land you must also obtain written approval from SITLA.

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Thank you for your cooperation in providing the requested information. When in the area, a member of the Division staff will examine the site. Please contact me if you have any questions regarding this letter. My telephone number is (801) 538-6267.

Sincerely,



Anthony A. Gallegos  
Senior Reclamation Specialist

jb

Enclosure: MR-SMO-1

cc: Clay W. Stucki, Snell & Wilmer Law Offices  
Kiran Bhayani, DWQ w/NOI  
John Blake, SITLA (ML-43181)  
Roger L. Bon, UGS  
Neil Simmons, BLM Price  
Mark Mesch, DOGM  
Tracking File

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